

REMARKS

The Final Office Action mailed March 17, 2009, has been carefully reviewed. The claims as amended above remain as claims 2-6 and 9-15, with claims 14 and 15 being amended to obviate the claim objections and rejection under the second paragraph of §112, and without changing the substance of the claims. Applicant again respectfully submits and maintains that the claims define novel and unobvious subject matter and should be allowed. Favorable reconsideration, entry of the amendments presented above, and allowance are earnestly solicited.

Two points have been raised regarding the drawings. As regards Figure 1, it **already** is designated as "prior art" by virtue of replacement drawings having been filed on February 21, 2007. Accordingly, no further drawing is necessary for Fig. 1.

The second point is that, according to paragraph 3 of the Final Action, the drawings must show the valve seats or they must be cancelled from the claims. Respectfully the drawings already show the valve seats. Thus, the specification at page 5, line 11, for example, describes the intake valve 74 which is shown in both Figs. 2 and 3, and the valve seat is simply the surface against which the valve 74, when it is closed, seats. It is shown, even though not provided with a reference numeral. Indeed, the entire valve assembly (page 5, line 15, contained in the cage 77) is illustrated.

As the drawings comply with Rule 83 and Figure 1 has already been designated as "prior art", applicant respectfully traverses the objections and requirements, and requests that they be withdrawn.

Claims 14 and 15 have been objected to for the reasons set forth in paragraph 4 on page 3, and have been rejected under the second paragraph of §112 for the reasons given in paragraph 6 on page 4 of the Official Action. The objections and rejection are both respectfully traversed, especially insofar as they might presently be deemed to apply upon consideration and entry of the amendments presented above. Applicant requests that such objection and rejection be withdrawn.

Applicant respectfully repeats that the amendments presented above in claims 14 and 15 are solely for the purpose of placing the claims in better form for U.S. practice, thus obviating the claim objections and rejection under the second paragraph of §112. Valve "seats" are what the movable valve members seat against when they are closed, and claims are to be interpreted according to the specification on which they are based.

Applicant submits that no limitations are added by the amendments made above, all of such amendments being cosmetic. As the amendments presented above do not raise any new issues but merely comply with the requirements explicit and implicit in the

claim objections and rejection under §112, no new issues are raised and the amendments should be entered, even if only for purposes of appeal. Such entry is respectfully requested.

Claims 2-4, 9-11, 14 and 15 have been again rejected under §103 as obvious from Elliott in view of Redman. Claims 5, 6, 12 and 13 have been again rejected as obvious under §103 from Elliott in view of Redman and Hagler. These rejections are respectfully traversed for the reasons of record, respectfully repeated by reference and incorporated herein, and for the additional reasons set forth below.

The examiner takes the position that ". . . it would have been obvious . . . to have modified the assembly of Elliott by placing the inlet manifold in front of a line of cylinders as taught by Redman, in order to have the horizontal passage serve as both a cylinder bore as well as suction passage and to allow the inlet and discharge manifolds to receive and distribute fluid from much different locations on the pump assembly." Applicant strongly but respectfully disagrees.

Respectfully, the proposed combination makes no sense. First, by simply placing the inlet manifold in front of the cylinder in Elliott's device, the only result would be to have horizontal passage of Elliott to serve as both the cylinder bore and a suction passage. Why would anyone skilled in the art make such a reconstruction of Elliott? There is **no reason** to do so,

and no advantage to be achieved by such a modification of Elliott.

The intake valve seat could be located in the same bore of the cylinder instead of being located in the same bore of the delivery valve, but such a reconstruction would not correspond to the claimed subject matter. It could not be achieved according to the present invention because the valve has a diameter larger than the diameter of the cylinder bore.

Moreover, even if such a reconstruction could somehow be accomplished, respectfully denied, it would not provide the claimed subject matter. The problem of allowing the inlet and discharge manifolds to receive and distribute fluid from much different locations of the pump assembly would remain unsolved in such a reconstruction, because it does not depend on the location of the inlet manifold in Elliott.

Applicant's main claims 14 and 15, and thus all of applicant's claims, call for the feature of the inlet manifold and delivery manifold being provided in the same single block of the cylinder. This is a feature which is not shown and is not suggested by the prior art. There is **no reason** given in the prior art for doing so. Moreover, even if the idea of joining the two parts into a single part had even been thought of, although not shown, such a reconstruction of Elliott would not be possible without other important modifications not shown or suggested by the applied references.

Another feature which is not shown or made obvious by the reference either singly or in combination (even assuming the combination were obvious, *ad arguendo*) is the feature that the intake valve assembly is located in the inlet conduit and is retained in position by a deformable element. (When applicant uses the word "valve", it means the whole valve or "valve assembly", not merely the movable part of the valve or the valve member.) Please see applicant's specification at page 5, where the elastic member (elastic plate 78) maintains the cage 77 containing the valve assembly (see Fig. 3) in position. In both Elliott and Redman, the elastic means are the elements acting as usual on the valve member alone, and the entire valve, i.e. the valve assembly, is retained in position by rigid means, in Elliott by the tubular member 15 and in Redmen by a bridge which is rigid with the body 26.

Another feature not shown by either reference alone or in combination, and thus not achievable by any combination of the references, even if such a combination were obvious, is the feature that the inlet conduit has a diameter smaller than the diameter of the cylinder.

As pointed out above, there are a variety of differences of the present invention over any possible combination of the references, even if it were obvious to combine the reference, which it was not for the reasons pointed out above. Applicant again respectfully submits that there is

nothing in the prior art which would have made it obvious to even attempt to modify Elliott by anything disclosed in Redman; and if such an attempt were to be made, no practical advantage would be achieved. There would have been no reason for such a combination and even if it were made, the claimed invention would not be obtained.

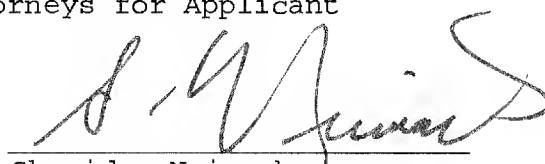
Withdrawal of the rejections is in order and is respectfully requested.

Applicant again respectfully requests favorable reconsideration, entry of the amendments presented above and formal allowance.

Respectfully submitted,

BROWDY AND NEIMARK, P.L.L.C.  
Attorneys for Applicant

By

A handwritten signature in dark ink, appearing to read 'S. Neimark', is written over a horizontal line.

Sheridan Neimark  
Registration No. 20,520

SN:jnj  
Telephone No.: (202) 628-5197  
Facsimile No.: (202) 737-3528  
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